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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



THOMAS D. WATKINS, JR.  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

Memorandum

**TO:** State Board of Education  
**FROM:** Thomas D. Watkins, Jr., Chairman  
**DATE:** November 26, 2002  
**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since October 17, 2002, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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**# R/0659-02- OSE/EIS St. Clair Intermediate School District**

Exemptions: None

Administrative Rule: 340.1721 c(2) - Scheduling individualized education program team meeting

Waiver Synopsis:

Extend the referral-to-IEPT time line from 30 to 45 days without parental consent provided the district collects data regarding the success of completion of IEPT meetings within the 45 day time line.

District Rationale:

The ISD established a central registry of waivers implemented by each LEA. A random survey of teachers, ancillary staff, parents, and administrators was performed. The survey invited commentary on the impact of waivers that were implemented, particularly any difficulties meeting the requirements of student IEPs.

Action:

Approve

Recommended waiver period:

Department approval through June 30, 2005

**# 0883-02- OSE/EIS Mecosta-Osceola Intermediate School District**

Exemptions: Big Rapids, Chippewa Hills, Evart, Morley Stanwood, Reed City

Administrative Rule: 340.1741 - Programs for students with emotional impairment

Waiver Synopsis:

Increase class size to 12 students at any one time. These classroom programs are staffed with a teacher and a paraprofessional. No other changes to the rule requirement are being proposed. This waiver applies only to the classroom programs for EI students operated by the MOISD at the residential programs within its service area. This waiver does not affect other EI programs operated by the MOISD or its constituent districts.

District Rationale:

The district currently operates EI classrooms at the residential facilities of Eagle Village, Pineview Homes, and the Muskegon River Youth Home. Each classroom program is staffed with a teacher and instructional paraprofessional. MOISD School Social Work, School Psychology and Teacher-Consultant staff are assigned to the programs and are readily available as well as other related services as required. In addition, the staff directly employed by each facility is available in the event a disciplinary or behavioral event occurs.

Action:

Approval only for Mecosta-Osceola ISD residential programs.

Recommended waiver period:

Department approval through June 30, 2005

**# 0884-02 - OSE/EIS Mecosta-Osceola Intermediate School District**

Exemptions: None

Administrative Rule: 340.1758 (1)(a) - Programs for students with autism

Waiver Synopsis:

Allow 7 students served by one teacher and up to four aides. The determination of the number of aides shall be made by decision of the program administrator after consultation with parents and staff.

District Rationale:

- this program can support the type of programming required by this population when there are more than five students assigned to the classroom.
- district will hire paraprofessional staff and ancillary and related staff as the autism team.
- the team meets on a regular basis to discuss student-programming issues.

Action:

Approve with modification: Allow class size to increase to 7 students, a classroom with 3 or more students shall have 1 parapro, the second parapro will be added with the 6th student, and a third parapro will be added with the 7th student.

Recommended waiver period:

Department approval through June 30, 2005